

Attorney Docket No.: CING-128
Appl. Ser. No.: 10/662,639

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REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated July 24, 2006 and, thus, the application is in condition for allowance.

By this reply, claims 1, 37 and 44 are amended. Claims 7-36 were previously withdrawn. Claims 1-6 and 37-50 remain pending. Of these, claims 1, 37 and 44 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Actions, claims 1-4, 6, 37-42 and 44-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank (USPN 6,888,927) in view of Mobley (USPN 6,327,342). It is asserted that Cruickshank teaches all of the limitations of the present invention as recited in the claims but for locating contact information for the caller in a contact database of either the external computing device or of a network. Further, it is alleged that Mobley discloses such limitation and, thus, it would have been obvious to combine Mobley's teaching into Cruickshank's invention to render obvious the present invention as disclosed in the claims. Applicant respectfully traverses.

Neither Cruickshank nor Mobley, alone or in combination, teach or fairly suggest the present invention as recited in the pending claims. For example, neither reference of record discloses a method or system that retrieves information about a caller using a wireless device in real time such that the called party receives various forms of information regarding the caller during the course of the call. At best, Cruickshank discloses relating information about a caller to a called (but missed) party *after* the caller leaves a message for the called (but missed) party. In fact, in contrast with the present invention, when using Cruickshank's invention, nothing happens if the called party answers the call (See, for example, col. 12, lines 48-52). It is only in the case of a missed call in which a message is left for the called party does Cruickshank's

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invention operate. There is no suggestion or motivation to perform it otherwise. Thus, Cruickshank operates a different invention using different techniques and different methods. Mobley also does not disclose the present invention as recited in the pending claims. At best, Mobley discloses a backup E911 system that operates if the primary E911 system experiences equipment failure. In no way does it operate to provide information to the called party in real time as recited in the pending claims. Thus, in the absence of such reference or references, no such motivation exists other than Applicant's own disclosure and thus the claims should be deemed as allowable over the references of record.

In regards to claims 2-4, 6, 38-42 and 45-50, since these dependent claims depend on independent claims 1, 37 and 44, which stand free of any references of record and should be deemed allowable, these dependent claims then also are allowable by definition. Thus, no references of record render obvious any of these pending claims and the rejection should therefore be withdrawn. Each particular dependent claim includes further explicit limitations that stand free of any references of record on its own. As an example, the limitations recited in claims 6, 43 and 50 require information to be relayed and stored back in the wireless device used by the calling party, a feature not disclosed or fairly suggested by any of the references of record, even in the inventions described therein that are different than that of the present application.

In the outstanding Office Actions, claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley, further in view of Gerszberg (USPN 6,385,305). It is asserted that the combination of Cruickshank and Mobley teaches all of the limitations of the present invention as recited in the claims but for the ability to drag information from a GUI for a contact manager and dropping it into a GUI for a wireless device interface logic. Further, it is alleged that Gerszberg teaches such limitation and, thus, it would have been

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obvious to combine such teaching into the combination of Cruickshank and Mobley to render obvious the present invention as recited in the claims. Applicant respectfully traverses.

Neither Cruickshank, Mobley, nor Gerszberg, nor any other related reference of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, no reference discloses a method and system for retrieving information about a caller in real time during a call and allowing the called party to use that information to then perform a variety of other functions. Cruickshank and Mobley are in different fields, but yet even if allowed to be combined, *arguendo*, could not be able to obviate the present invention as recited in the pending claims. The third reference, Gerszberg, at best, discloses an answering machine toolkit that allows creative messages to be left thereon. It is completely different from the present invention and does not anticipate, obviate or provide any suggestions or motivations that could be used to obviate the present invention as recited in the pending claims. Thus, even the combination of the three references from different fields, even if any such motivation existed, cannot obviate the present invention. The rejection should then be withdrawn and the application allowed to issue.

In the outstanding Office Actions, claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cruickshank in view of Mobley, further in view of Official Notice. It is asserted that the combination of Cruickshank and Mobley teaches all of the limitations of the present invention as recited in the claims but for logic to store the contact information received from an external computing device. Further, it is alleged that such feature is very well known and Official Notice is taken as such, without use of a reference. Applicant respectfully traverses.

The combination of Cruickshank and Mobley is incapable of obviating the present invention as recited in the pending claims for at least the reasons set forth above. Thus, because

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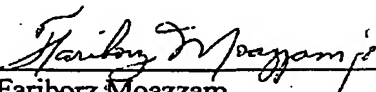
such references of record are incapable of obviating such claims, it stands that any Official Notice of any particular additional feature cannot stand as well. Furthermore, if such feature is so well known, it should not be difficult to cite just one reference that shows such feature. Thus, the rejection should be withdrawn and the application allowed to issue.

A ONE (1) month extension of time is hereby requested to enter this amendment. PTO-2038 form is included with an authorization to charge the one-month extension fee to a credit card. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

Date: 26 November 2006


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